

Tymoczko, Nicholas A.

From: Salter, George A.
Sent: Monday, November 12, 2012 12:44 PM
To: Feinberg, Ira M.; Tymoczko, Nicholas A.; Clare, James
Subject: Fwd: SEC v. Goldstone, et al.

Sent from my iPhone

Begin forwarded message:

From: "McKenna, Stephen C." <McKennaS@SEC.GOV>
Date: November 12, 2012, 9:13:02 AM MST
To: "Valentine, John" <John.Valentine@wilmerhale.com>, "Kasper, Gregory" <KasperG@SEC.GOV>
Cc: "Lee, Randall" <Randall.Lee@wilmerhale.com>, "jmarks@milbank.com" <jmarks@milbank.com>, "RLiubicic@milbank.com" <RLiubicic@milbank.com>, "ASchultz@rodey.com" <ASchultz@rodey.com>, "aschlesinger@milbank.com" <aschlesinger@milbank.com>, "Lamson, Michael" <Michael.Lamson@wilmerhale.com>, "Bliss, Dugan" <BlissD@SEC.GOV>, "Andy Schultz (ASchultz@rodey.com)" <ASchultz@rodey.com>, "Kurzban, Jessica" <Jessica.Kurzban@wilmerhale.com>, "Salter, George A. (george.salter@hoganlovells.com)" <george.salter@hoganlovells.com>
Subject: RE: SEC v. Goldstone, et al.

We have spoken to staff that conducted the investigation and been told that they did not use or rely on Ms. Baucom's or any other KPMG employee's PCAOB testimony in preparing the complaint. The attorneys primarily responsible for drafting the complaint never even reviewed the transcripts. Thus, the PCAOB transcripts are protected from disclosure under 15 USC § 7215(b)(5)(A).

From: Valentine, John [<mailto:John.Valentine@wilmerhale.com>]
Sent: Friday, November 09, 2012 3:25 PM
To: McKenna, Stephen C.; Kasper, Gregory
Cc: Lee, Randall; jmarks@milbank.com; RLiubicic@milbank.com; ASchultz@rodey.com; aschlesinger@milbank.com; Lamson, Michael; Bliss, Dugan; Andy Schultz (ASchultz@rodey.com); Kurzban, Jessica
Subject: RE: SEC v. Goldstone, et al.

Great. The call in is: 505-348-2041.

Who will participate on your end?

From: McKenna, Stephen C. [<mailto:McKennaS@SEC.GOV>]
Sent: Friday, November 09, 2012 5:23 PM
To: Valentine, John; Kasper, Gregory; Kurzban, Jessica
Cc: Lee, Randall; jmarks@milbank.com; RLiubicic@milbank.com; ASchultz@rodey.com; aschlesinger@milbank.com; Lamson, Michael; Bliss, Dugan; Andy Schultz (ASchultz@rodey.com)
Subject: RE: SEC v. Goldstone, et al.

Yes.

EXHIBIT

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From: Valentine, John [<mailto:John.Valentine@wilmerhale.com>]
Sent: Friday, November 09, 2012 3:07 PM
To: Kasper, Gregory; Kurzban, Jessica; McKenna, Stephen C.
Cc: Lee, Randall; jmarks@milbank.com; RLiubicic@milbank.com; ASchultz@rodey.com; aschlesinger@milbank.com; Lamson, Michael; Bliss, Dugan; Andy Schultz (ASchultz@rodey.com)
Subject: RE: SEC v. Goldstone, et al.

Steve and Greg – Judge Browning will be wrapping up his hearing at around 4 pm Mountain time today. Are you available for a telephonic conference on the PCAOB discovery issue at that time?

From: Kasper, Gregory [<mailto:KasperG@SEC.GOV>]
Sent: Friday, November 09, 2012 2:26 PM
To: Kurzban, Jessica; McKenna, Stephen C.
Cc: Lee, Randall; Valentine, John; jmarks@milbank.com; RLiubicic@milbank.com; ASchultz@rodey.com; aschlesinger@milbank.com; Lamson, Michael; Bliss, Dugan
Subject: RE: SEC v. Goldstone, et al.

All:

I left a voicemail to this effect for John, but, given that this may effect your planning, wanted to pass along that, it appears, the Court is closed on Monday in light of the Veterans' Day Holiday.

<http://www.nmcourt.fed.us/web/DCDOCS/dcindex.html>

-Greg

From: Kurzban, Jessica [<mailto:Jessica.Kurzban@wilmerhale.com>]
Sent: Friday, November 09, 2012 9:55 AM
To: McKenna, Stephen C.; Kasper, Gregory
Cc: Lee, Randall; Valentine, John; jmarks@milbank.com; RLiubicic@milbank.com; ASchultz@rodey.com; aschlesinger@milbank.com; Lamson, Michael; Bliss, Dugan
Subject: RE: SEC v. Goldstone, et al.

That works for us. Please use the following dialin: 1-800-227-6333, code: 7125360. Thanks.

"McKenna, Stephen C." <McKennaS@SEC.GOV> wrote:

I am not sure why this is so urgent or could not have been addressed before now, but Greg and I can be available for a short call at 11:45 Mountain. We will need a call in number.

Please add Dugan Bliss to future correspondence. blissd@sec.gov

From: Kurzban, Jessica [<mailto:Jessica.Kurzban@wilmerhale.com>]
Sent: Thursday, November 08, 2012 11:46 PM
To: McKenna, Stephen C.; Kasper, Gregory
Cc: Lee, Randall; Valentine, John; jmarks@milbank.com (jmarks@milbank.com) (jmarks@milbank.com); RLiubicic@milbank.com; Andy Schultz (ASchultz@rodey.com); aschlesinger@milbank.com (aschlesinger@milbank.com); Lamson, Michael
Subject: SEC v. Goldstone, et al.

Steve and Greg,

Please see the attached, and let us know your availability to meet and confer tomorrow (Friday, Nov. 9th) any time before noon Pacific. Thanks.

Jessica

Jessica Freiheit Kurzban | WilmerHale

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